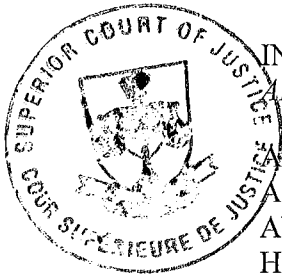


**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.) TUESDAY, THE 2nd DAY
)
JUSTICE HAINEY) OF JULY 2019



IN THE MATTER OF THE *COMPANIES' CREDITORS
ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF FORME DEVELOPMENT GROUP INC.
AND THE OTHER COMPANIES LISTED ON SCHEDULE "A"
HERETO (the "Applicants")

APPLICATION UNDER THE *COMPANIES' CREDITORS
ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

**ANCILLARY ORDER
(Kingston)**

THIS MOTION, made by KSV Kofman Inc. ("**KSV**"), in its capacity as Court-appointed monitor (in such capacity, the "**Monitor**") of 3310 Kingston Development Inc. (the "**Kingston Applicant**") and the remainder of the Applicants in their proceedings pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. c-36, as amended ("**CCAA**") was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion and the Monitor's Seventh Report dated June 21, 2019 (the "**Seventh Report**"), together with the appendices thereto, and on hearing the submissions of counsel for the Monitor and such other counsel as were present including counsel for Ferina Construction Limited ("**Ferina**"), the second mortgagee of the Kingston Property (as defined in the Seventh Report), no one appearing for any other person on the service list, although

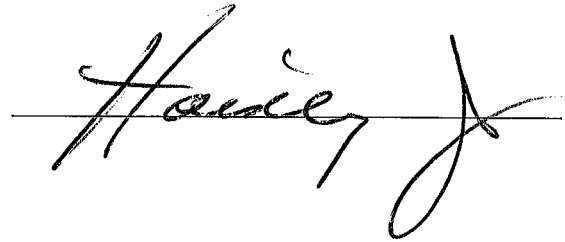
properly served as appears from the affidavit of service of Aiden Nelms sworn June 21, 2019, filed,

1. **THIS COURT ORDERS** that following the delivery of the Monitor's Certificate contemplated by the Kingston Approval and Vesting Order granted on the date hereof, the Monitor is authorized and directed to:

- (a) first, pay commissions to TD Cornerstone Commercial Realty Inc.'s commission, being 1.75% of the sale price of the Kingston Property, plus HST;
- (b) second, create and hold a reserve in the amount of the Holdback (as defined in the Seventh Report) related to the Kingston Property;
- (c) third, make one or more distributions to First Source Financial Management Inc. ("**First Source**"), or as it may direct, up to the amount owing under its registered mortgage on the Kingston Property; provided, however, that the amount of the Holdback related to the Kingston Property shall not be distributed;
- (d) fourth, with the agreement of the Monitor, First Source and Ferina, or upon further Order of the Court, to distribute to First Source, or as it may direct, any amount of the Holdback related to the Kingston Property as is agreed by the Monitor, First Source and Ferina or as is ordered by this Court to be properly due and payable to First Source;
- (e) fifth, to the extent any funds are remaining, make one or more distributions to pay the fees and expenses owing to the Monitor, counsel for the Monitor and counsel

for the Applicants relating to the administration of the CCAA proceedings for the Kingston Applicant; and

- (f) sixth, to the extent any funds are remaining, make one or more distributions of all remaining proceeds to Ferina up to the amount owing under its registered mortgage on the Kingston Property.

A handwritten signature in black ink, appearing to read "Hailey J.", written over a horizontal line.

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

JUL 02 2019

PER / PAR: 

SCHEDULE "A"
APPLICANTS

3310 Kingston Development Inc.
1296 Kennedy Development Inc.
1326 Wilson Development Inc.
5507 River Development Inc.
4439 John Development Inc.
2358825 Ontario Ltd.
250 Danforth Development Inc.
159 Carrville Development Inc.
169 Carrville Development Inc.
189 Carrville Development Inc.
27 Anglin Development Inc.
29 Anglin Development Inc.

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF FORME DEVELOPMENT GROUP INC. AND THE OTHER COMPANIES LISTED ON SCHEDULE "A" HERETO (the "Applicants")

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceeding commenced at Toronto

**ANCILLARY ORDER
(Kingston)**

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Counsel to KSV Kofman Inc., solely in its capacity as Court-appointed monitor and not in its personal capacity